

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JONATHAN McDONALD,

Petitioner,

v.

DOUG WADDINGTON,

Respondent.

CASE NO. C05-942MJP

ORDER DENYING § 2241
PETITION AND DISMISSING
ACTION WITHOUT PREJUDICE

The Court, having reviewed petitioner's petition for writ of habeas corpus, respondent's answer to the petition, the Report and Recommendation of James P. Donohue, United States Magistrate Judge, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's federal habeas petition (Dkt. No. 1) is DENIED and this action is DISMISSED without prejudice.
- (3) The Clerk is directed to send copies of this Order to petitioner, to counsel for respondent, and to Judge Donohue.

DATED this 30th day of September, 2005.

s/Marsha J. Pechman
MARSHA J. PECHMAN
United States District Judge

ORDER DISMISSING § 2241
PETITION WITHOUT PREJUDICE